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**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA, CENTRAL DIVISION**

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WEST LIBERTY FOODS, L.L.C.,  
Plaintiff,

v.

MORONI FEED COMPANY,  
Defendant.

Case No. 4:10-cv-00146-JEG-TJS

**DEFENDANT'S MOTION FOR  
CONFIRMATION OF ARBITRATION  
AWARD**

Pursuant to LR 7 and 9 U.S.C. § 9, Defendant Moroni Feed Company (“MFC”) hereby moves the Court for an order confirming the Final Award issued by the American Arbitration Association (“AAA”) Panel of Arbitrators on August 15, 2013, as well as entry of a Judgment in favor of MFC and against Plaintiff West Liberty Foods, L.L.C. and Western Sales, L.L.C., the Respondents in said arbitration proceeding (collectively “WLF”) in the net amount of \$4,657,833.92 as of the date of June 27, 2013, with a post-judgment interest thereafter at the rate of \$276.03 per day.

The specific grounds for this Motion are set forth in a supporting Memorandum filed concurrently herewith, to which are attached copies of the relevant arbitration agreement, and the Interim and Final Awards issued by the Panel of Arbitrators in the subject arbitration.

Pursuant to LR 7(1), counsel for MFC hereby certifies that he attempted to confer with WLF’s counsel in a good faith effort to resolve this matter without involving the Court. Specifically, on August 16, 2013, the day after the Final Award was issued, MFC’s counsel sent WLF’s counsel an email inquiring whether WLF intended to pay the

net amount awarded to MFC. WLF's counsel never responded to this email. As a result, MFC's counsel called WLF's counsel on August 26, 2013, and left a voice mail informing WLF that MFC intended to file a motion to confirm the arbitration award since WLF had not indicated that it intended to pay the amounts awarded to MFC, and he requested that WLF's counsel contact him to discuss this matter to determine whether it would be necessary for MFC to file said motion to confirm. MFC's counsel also sent WLF's counsel a follow-up email on August 26, 2013, asking WLF's counsel to inform MFC's counsel of WLF's willingness to pay the award so as to avoid the necessity of filing the motion to confirm the arbitration award, and he requested that WLF's counsel contact him to advise him of WLF's position. WLF's counsel never responded to any of these emails or the voicemail, nor has WLF's counsel made any attempt to contact MFC's counsel to discuss whether the filing of this motion might be avoided. While MFC was waiting for a response from WLF's counsel, WLF proceeded to file its own motion to vacate in part and confirm in part the subject arbitration award, without making any effort under LR 7(1) to contact MFC's counsel.

DATED this 27<sup>th</sup> day of August, 2013.

BRADSHAW, FOWLER, PROCTER & FAIRGRAVE, P.C.

By: /s/Thomas J. Joensen  
Thomas J. Joensen (AT0003836)  
801 Grand Avenue, Suite 3700  
Des Moines, IA 5039-8004  
Phone: (515) 243-4191  
Fax: (515) 246-5808  
E-Mail: joensen.thomas@bradshawlaw.com

and

PRESTON & SCOTT

By: /s/Stanley J. Preston  
Stanley J. Preston (4119), *admitted pro hac vice*  
Five Gateway Office Center  
178 S. Rio Grande St., Suite 250  
Salt Lake City, UT 84101  
Telephone: (801) 869-1620  
Facsimile: (801) 869-1621  
E-Mail: sjp@prestonandscott.com

ATTORNEYS FOR DEFENDANT

Copy to:

David A. Tank  
Angela Dralle  
**DORSEY & WHITNEY LLP**  
801 Grand Avenue, Suite 4100  
Des Moines, Iowa 50309-2790  
Email: tank.dave@dorsey.com  
Email: Dralle.Angela@dorsey.com

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on August 27 2013.

By:  Overnight Courier  FAX  E mailed  
 Hand Delivered  U.S. Mail  Other  
 Certified Mail  Scanned pm-ecf

Signature Peggy Koslow